

Milton Planning & Zoning Commission Meeting
Milton Library
Tuesday, August 18, 2009
7:00 p.m.

1. Virginia Weeks called the meeting called to order at 7:00 p.m.

Roll call of Members:

Virginia Weeks	Dick Grieg
Al Perkins	Ted Kanakos
Ed Kost	Gene Steele
Louise Frey (Absent)	

2. Changes, additions, corrections or deletions to the Agenda

Virginia Weeks: I would like to add a small procedural discussion to the agenda. It will take about 2 minutes. I would like to make a motion to add that to the agenda.

Ted Kanakos: I second that.

Virginia Weeks: All in favor say aye. Motion carried.

3. Approval of agenda

Ted Kanakos: I make a motion we approve the agenda.

Gene Steele: Second.

Virginia Weeks: All in favor.

4. Changes, additions, corrections or deletions to the Minutes of June 16, 2009

Virginia Weeks: Do we have any changes, additions, corrections or deletions to the minutes of June 16, 2009? There being none, I'll ask for a motion for approval of the minutes of June 16, 2009.

Ted Kanakos: I make a motion we approve the minutes of June 16, 2009.

Al Perkins: Second.

Virginia Weeks: All in favor say aye. There being no negative, the motion passes.

Virginia Weeks: The thing that I would like to discuss with you is that for a while it has been troublesome to me that we've had a lot of problems that come from past meetings, because we're told that the only thing that can developers or people applying for buildings and so on, that can be held to, is what is in our motion; so that if we don't incorporate it into our motion, they can't be held to it. We've had that problem a lot with the Food Lion Plaza and so on; what they were originally supposed to do many, many years ago. What I have seen done in different places is that when a motion is made, it begins with I make a motion to approve as advertised and presented; so that everything that the developer presented that night, that he said he would incorporate, automatically becomes part of the

motion. Plus which, you could put whatever stipulations on the motion you want and I was just wondering how the Board felt about that.

Ted Kanakos: I think it's very good.

Al Perkins: I think anything we like that we can do to tighten up the process, legally or procedurally, we should do.

Ed Kost: I agree.

Gene Steele: I agree.

Dick Grieg: I'm not quite sure I follow the whole process. What specifically do you want to do differently?

Virginia Weeks: For example, when the Food Lion Plaza was done, there was, if you read in the minutes, there was an agreement for irrigation that was never done; and a couple of other things; I don't remember what they were; that were never done.

Gene Steele: Landscaping was one of them.

John Brady said that we could not force it to be done, even though the developer had said in the minutes that it would be done, because it was not part of our motion. When we're doing a sub-division plan and its 1,000 little things, I don't feel that we are at our best if we have to list it all in the motion. If a developer stands up and says this development I will put 800 trees in and give 200 additional to the City, just by saying that during the meeting, he's presented it that way, therefore, he should hold to it, without us having to remember to put all of this in a motion. So what I'm suggesting is that when we make a motion to approve something, we say "as advertised and presented" and then what additional things on that you want or feel is needed.

Gene Steele: That makes sense.

Robin Davis: Mrs. Weeks, if I could. The only thing that is bothersome to me, about that, is I have to write, say that's during Preliminary, I have to try to write that to the Applicant, saying you were approved for Preliminary Site Plans with the following conditions. I have to go through every one of the minutes and the notes and say you said 800 trees, you said this, you said that. It's easier if it's put in the motion. I understand what you're saying, I do understand that, but the problem with getting that letter out to them, we do not approve our minutes from the previous meeting until this meeting. I could say it's approved, here's a copy of the minutes and here are the things that you said you were going to do; but we would have to wait until the following month until you approve the minutes to get the minutes out to them.

Ted Kanakos: What I find is that when we are talking with developers or anyone basically in this situation, basically, we are required to write the motion that night. In other words, many of us need help; the attorney puts it in the proper form, this and that. It's very difficult to put 71 things in a motion; they promised us 102 things; we put in 101 and that other big thing gets lost; that's a classic example up there with Food Lion. Now, however, it can be, I think we should hold them to whatever they say publicly or to this Commission, although we don't write it down or it might have slipped through; there should be some fail safe mechanism and this is Mrs. Weeks' way of having this fail safe mechanism address, maybe a month later; but at least they have to be aware of that. Sir, what you're saying is

what you're going to be held to. Then he's going to look through the minutes and see what we forgot to put into the motion and then just eliminate it; it's not fair.

Robin Davis: I understand that. I just want everybody to be aware; I can not send draft minutes out; because if you don't approve, now he's got a set of draft minutes that are not what actually the Commission says is true. So we would have to wait if we're going to do it that way, that way I don't have to go through these minutes or something that's not approved. I have to listen to the tape or I have to go through the whole thing and say okay here are the 100 things.

Virginia Weeks: I realize that this could be a bit of a problem for you and the developer; but you know I think the developer can wait a month; any project of a major size; he's been working on it for 3 or 4 years; one month to get it right for us and not to have to have the problems and spend the time we spend later, trying to rectify those problems, it's worth it.

Robin Davis: Yeah, that's correct. I'm not saying that. I just want everybody to be aware that if we do it that way; if we kind of miss things in the Motion.

Gene Steele: The only one that is going to be delayed is the developer, not us.

Virginia Weeks: And we'll be protected and the Town will be protected.

Gene Steele: And we'll be protecting the Town. Correct.

Robin Davis: Section 6.1.7 – Notification of Decision for Preliminary Site Plan: Within thirty days of the Public Hearing at which a Preliminary Site Plan is considered, the Planning & Zoning shall act upon it. It doesn't say about time; but the final it says we have sixty days after Final; we shall render a decision; it doesn't say time. I just wanted to look there and see if there was any time to say on some Preliminary Site Plans or Final Site Plans; but it doesn't look like there is any time; so with that if that's how we're going to do it; just to make sure they're correct; then we would just have to wait until the Minutes are approved and then the letter would go out saying you have received Preliminary Approval on this date and here's a copy of the Minutes that need to be reviewed.

Virginia Weeks: And you have sixty days from the date of your receipt.

Ed Kost: Did I just understand you to say we're going to send the developer a copy of our Minutes and have them go filter through there and trying to find out what the approval was? Is that what you just said?

Ted Kanakos: No, what he has committed to publicly.

Ed Kost: Yeah, but he has to go read through the Minutes; instead of having a document with item 1; item 2; item 3; item 4 and item 5.

Ted Kanakos: What we have in the Motion is listed. If we, in fact, miss putting certain things in the motion that he has promised publicly; that's caught in the minutes; then when the minutes are approved; it becomes official and it's his responsibility to make sure that he owns up to it. We will read them also.

Virginia Weeks: Anything that we put on that's on top of what he presented to us that he was going to do; would have to be in the Motion. But what he presents, you don't have to be there writing down how many trees; how far it's going to be from here; where the top lots going to be; where this is going to be.

Ted Kanakos: It's tough to write a Motion.

Ed Kost: Having been a developer and represented developers, I think you're asking for a lawsuit; because the whole thing is going to be very big; from start to finish.

Virginia Weeks: This is the way they do it in many other places, without lawsuits. I don't see.

Robin Davis: If I might, how about if I take this to our Town Solicitor and see how she would recommend that we lean it.

Virginia Weeks: One way or another, we need a way that we don't have to be writing everything into a Motion.

Robin Davis: I understand.

Virginia Weeks: It's got to stop.

Robin Davis: From the ultimate end, it's going to be the Town Solicitor that says, you need to say everyone or not.

Virginia Weeks: Well then we're going to have to have an official secretary here who takes shorthand during sub-division meetings, or something, to write all this down for us. Because if we're looking at sub-division plans and we're interacting with the developer and the public and this, we can not get it all down. We can not get it all down.

Dick Grieg: I think Robin's idea of including the attorney is what we need to do first. Then determine what the next steps will be.

Virginia Weeks: But we need a solution to this problem.

Robin Davis: What I will do is I will talk to her and ask her how she feels is the best way to cover the Applicant and the Town; without somebody having to write down all the Motions; and see how she feels the best way for us is to go. That way everybody is on board on how we need to proceed.

Virginia Weeks: I don't need to tell you the trouble we had with legal decisions with previous attorneys; this is no reference to our present Town Solicitor in any way, shape or form; but certainly it was loosey goosey and we were left without any procedures, any regulations and I want it somewhere on how we are going to do this.

Robin Davis: I know how you feel, because as you said; there were a lot of things that people thought were going to get done out to a certain place; that were not done; and they weren't in the Motion; so I can see that's the way to tighten everything up and probably the right way to do it; but we need to make sure that the Town Solicitor is on board with it; because if she says we can't do it that way; then we're going down a different path then we should have.

Ted Kanakos: Then meetings will take a lot longer and we'll write everything down and dot every I and cross every T. The problem with Food Lion, using that as an example, is the simple fact they had to come back for something else and that was the leverage that we had then, to correct things which they had not done; promised to do; but there are a lot of people who don't have to come back or don't come back and they just get away with not doing it.

Virginia Weeks: And even things that were just given to us; we were told we couldn't correct, because the Council did not enumerate in their Motion what the Council wanted. That's got to stop. All right, thank you, sorry for the delay. So

at this time, you'll come back at the next meeting with something from the Town Solicitor.

Ted Kanakos: I hope the solicitor will be at the next meeting; I would like to hear it from her.

Virginia Weeks: Robin, would you please make sure it is on the agenda next time.

5. Business

Final Master Plan Approval – Key Ventures, LLC

The applicant, Key Ventures, LLC, is requesting final master place approval for the Cave Neck Road Property located near the corner of Cave Neck Road and Sam Lucas Road. The property is identified by Sussex County Tax Map and Parcel # 2-35-21.00-44.00.

Virginia Weeks: Does the Applicant have anything he wants to say? Would you please identify yourself?

Douglas Marshall: I'm an attorney with the firm of Hudson, Jones, Jaywork and Fisher and I'm here on behalf of the applicant, Key Ventures, LLC. I believe the purpose of this meeting was to add any additional things to the Final Preliminary Site Plan Approval and I'm here to listen to what your recommendations are.

Virginia Weeks: Actually, it's what we call the Final Master Plan, which is particular to the Large Parcel Development (LPD) and it's, Bob, do you want to explain that you have to come back for Preliminary Sub-Division and go through the whole thing.

Bob Kerr, Cabe Associates: Yes, the Master Plan is the last step really in the rezoning of the property; the property was annexed into Town as R-1 and then a request was presented for R-1/LPD and is part of an R-3/LPD as part of the LPD overlay a Master Plan is required. Part of the Master Plan is to put conditions on and those are shown on the cover sheet on the right hand side prepared partially by myself, Planning & Zoning, Mayor and Council and Debbie and Robin; we've all kind of worked together on those. Those are the things that stay with the property; if it were to be transferred or come under new ownership; the zoning and those conditions stay with the property, unless they come back to this Commission for a change in those conditions or the zoning. After Mayor and Council approves the Preliminary, the changes are made and it comes back to you for the Final Approval and it is a matter of you verifying that the conditions placed on it by yourself and Mayor and Council have been met.

Virginia Weeks: Are there any questions?

Ted Kanakos: Yes. So this is the time when we put the conditions on the Master Plan; because if we don't it just comes back from the Mayor and Council; then from Zoning and everyone and the Planning & Zoning saying it has been approve? When do we put in stipulations that will apply? You're saying that with the Master Plan we can put them in; then they will apply.

Bob Kerr: The conditions would have been part of the Preliminary Master Plan Approval. Planning & Zoning makes the conditions and forwards them to Mayor and Council for acceptance; once Mayor and Council accepts it, the developer and their engineer prepare the Final Master Plan; it comes back to you and your job at this meeting is to verify that the conditions recommended by Planning & Zoning and placed on the site by Mayor and Council are included on the drawings and the general requirements of that Preliminary Approval have been met; and based on the conditions that were placed by Mayor and Council and a review of the drawings, those conditions have been met.

Ted Kanakos: How about items which did not apply specifically to the drawings? In other words, you know what I'm getting at; I'm trying to add certain things to this procedure which will carry forward and be included in all dealings in the future. In other words, certain stipulations.

Bob Kerr: I'm not your legal representative; my understanding is the conditions were to have been placed at the Preliminary Master Plan Approval. Those conditions have been placed. I don't know the procedure if you add something this evening. I believe it would have to go back to Mayor and Council or that's something you would have to ask your attorney.

Ted Kanakos: Since our attorney is not here, the question I have then, after this Preliminary, there is a Final Approval.

Virginia Weeks: No, this is the Final Approval.

Ted Kanakos: This is it. This is just a walk through approval.

Virginia Weeks: Ted, I think that your conditions have to do with notifying people who buy there that there will be a treatment plant next door, etc. and so on. Those conditions can be put on its sub-division, right Bob?

Bob Kerr: Yes, the next step is, they will come back with either a Preliminary Site Plan for the apartment portions or condos or whatever those are and/or a Preliminary Sub-Division Plan where they are sub-dividing the land. That basically starts the new process, where you're going through looking at the individual lot layout and any conditions, such as a note that Chestnut Crossing has where it advises any purchaser of the property that it is next to an industrial site. Those are the conditions that can be placed as part of the Preliminary Site Plan; they go on forward with the property also when the Record Plan is recorded. I think people purchasing a property look at a Record Plan more than the Master Plan. The Master Plan is not a whole lot more than just assigning the zoning to the property.

Ed Kost: I kind of disagree. When we bought our home in Cannery Village, they showed us the Master Plan. The Master Plan was actually changed. What was built was different from the Master Plan we were shown.

Bob Kerr: And as they went forward, Planning & Zoning approved the Preliminary Site Plans of the individual sections.

Ed Kost: Planning & Zoning did that, but what I'm saying is that the Master Plan as a person purchasing the lot, can't rebuild it; what I looked at, the whole thing and when I looked at it; it turned out what was built was different. So to me, the Master Plan is very important; that's what they sell on.

Virginia Weeks: If I may, that is due to the builder not incorporating the changes he requested in the Master Plan that he gave you. He gave you maybe copies of the original and never added his changes to it.

Ed Kost: He didn't give us anything; it was on a wall in his office is where it was. And it is still there, by the way.

Virginia Weeks: As changes come in, this Master Plan is going to look very different by the time these are built; because time changes; economy changes; ownership changes; the land is for sale; you don't know what the next guy is going to do or how he is going to do it.

Ed Kost: I tend to totally disagree. It shouldn't change because the people who bought in the beginning bought off the Master Plan saying this is what I'm going to get. People come in and buy expecting certain things and they look at a Master Plan and things are being changed and that's not what is being sold.

Virginia Weeks: But that's not this Board's nor the Town's responsibility.

Ed Kost: It is. I disagree. It is.

Virginia Weeks: They are allowed to change the Master Plan. They come back to this Board and they are allowed to get changes; those changes are recorded; if they give you a presentation of something that is supposedly what is the latest recorded Master Plan and it's not, we can't do anything about that.

Ted Kanakos: Who does?

Virginia Weeks: They have to; that's between them and the builder.

Ted Kanakos: The question I have here, Ed, when you first bought; you were one of the first people in there; these changes did not occur until after you bought; these changes to the Master Plan. What I'm saying is that it should be backed up and it should be at the very beginning; whatever stipulations are; but yet they appear even in this year; they have the right to; it's understood that the maximum number of residential dwelling units shall not be increased but the allocation may be reasonably adjusted. That's another phrase I don't figure out works very well. What's reasonable? 500 single families to 250 townhouses.

Ed Kost: I'll give you an example. Right now in Cannery Village, part of Cannery Village apparently is being offered for sale to someone else to develop and will not be part of the Homeowner's Association. That means the costs to me, as a homeowner, is going to go up in my dues. They changed the plan.

Virginia Weeks: But that's not something that this Board controls. There is going to be a group revisiting all the zoning ordinances. Deanna Duby is going to head it up and at that time maybe it is something to be looked and incorporated there. But at this point, there's nothing we can do and we've got to pass this Master Plan or look at it and see if there are things that need to be adjusted or table it until another meeting. As it is, does anybody have any questions about the Plan in front of us?

Ted Kanakos: Yes, I have the reasonably adjusted phrase; what does that mean? The maximum number of residential dwellings shall not exceed 337 as

follows, etc. It is understood the maximum number of residential dwelling units shall not be increased but the allocation may be reasonably adjusted.

Ed Kost: Ted, I'll tell you what my attorneys used to tell me and I'm sure this gentleman right here will agree, he's an attorney. Reasonably means when two parties only agree to what it means. It's a negotiated thing, nothing more.

Bob Kerr: If I may, all of those changes were approved by Planning & Zoning. Any change to the Master Plan at Cannery Village has been approved by Planning & Zoning. I believe all of the changes were considered a minor change; not requiring a revision to the Master Plan by this Commission.

Virginia Weeks: I don't believe the Master Plan has anything or could possibly say if you sell off a portion, they are no longer part of the original Homeowner's Association; that's something between you and the builder. You need to find a lawyer to take care of that.

Bob Kerr: I'm trying not to practice law this evening.

Virginia Weeks: You might want to discuss that with our Town Solicitor, when you see her next time, before or after the next meeting, because Homeowner's Associations are her specialty. Okay, does anybody else have anything to say what's on these two pages?

Ed Kost: Town Engineer, if I understood what you were saying, the Master Plan has been preliminarily and finally approved and all our job tonight is, is to say yes, all the changes that have been previously been asked to be incorporated in the plans, have been incorporated into the plans, and nothing more? Is that correct?

Bob Kerr: Yes. Robin is looking for the actual paragraph. Section 4.8.8, Procedure for Master Plan Approval: when a Preliminary Master Plan is approved by the Town of Milton Council, it shall be returned to the Milton Planning & Zoning Commission, pending preparation of the Final Master Plan by the Applicant. A Final Master Plan incorporating all of the requirements, amendments and conditions of the Town of Milton Council shall be reviewed by the Milton Planning & Zoning Commission and shall be placed on the record after such approval. No public hearing shall be required for shall be required for approval of amendments to the Record Master Plan unless changes proposed significantly alter a provision of the Approved Record Master Plan. In the past, all of the changes to Cannery Village have been considered as a not significant change; to get back to that for a minute. But, tonight you are basically being asked to review the drawings; to determine if the requirements, amendments and conditions of the Town of Milton Council have been applied to this sub-division. You had your opportunity July, 2007; that's how long this has taken to get from a preliminary to a master.

Virginia Weeks: And we're worried about a one month delay for the developer.

Dick Grieg: Ginny, I have a question. It's not specific to this, because I haven't been a member for very long. Sir, Mr. Attorney, looking at this, I have a question and anytime I see a jammed up housing project like this, I think of this question, because I've seen it happen way too many times in my life. Is any of this subsidized housing?

Douglas Marshall: Not that I'm aware of. I'm not aware that any of this will be turned into subsidized housing; but I don't have the authority to make that recommendation or even to answer that question because I don't know what will happen in the future and I don't know what affect the developer saying that it won't be turned into subsidized housing that would have under the Federal Regulations. I'm not going to ask you why that's important. But I can't answer that question.

Dick Grieg: Is there an answer out there somewhere?

Virginia Weeks: I believe that is something that we are probably not supposed to address.

Dick Grieg: Who is going to address it?

Ted Kanakos: He doesn't get it; this is America, my friend.

Virginia Weeks: It's America. If somebody wants to build subsidized housing there, they are permitted to do so.

Dick Grieg: No, that's not true.

Virginia Weeks: Well, you'll have to come up with the regulation that says it's not true; but as far as I know, unless there are covenants on the land that prohibit it, you can not do it. There is subsidized housing all over Milton.

Dick Grieg: I know that.

Virginia Weeks: It's not something that we are supposed to address here.

Ted Kanakos: I believe the subsidized housing we have, has been identified initially as subsidized housing.

Virginia Weeks: We have a lot of private homes that are Section 8 homes.

Ted Kanakos: They come along after the fact. Those are single homes. I'm talking about developments. We do have a few, but they were initially described as subsidized housing. What's up across from Luther Towers isn't that Park Royal, that initially was subsidized housing; it wasn't condominiums, townhouses, it wasn't converted.

Virginia Weeks: At this point, it is noted that the attorney said he does not know of any plans for this to be subsidized housing. If there's a change our attorney will address that; that's not something we do. We're not lawyers.

Dick Grieg: We are citizens.

Virginia Weeks: We are citizens and you can ask the question; but it's the attorney's job to find out.

Douglas Marshall: And I would say as a matter of being very candid with you; that inserting requirements in the deeds when you sell the property to make reference to the fact that it's beside a sewer treatment plant is not conducive to having as many alternatives as you would like to have on that property; so keep that in mind when you are thinking about what conditions you want to put on at the next level.

Virginia Weeks: Thank you. Are there any other questions? I have one; on the front page, it says the maximum building height is 40' or 3 stories. Does that mean it could go to 4 stories or should that be not to exceed 3 stories?

Bob Kerr: I believe that is an exact quote from your zoning table; I'm trying to find it, it's at the back of mine, but not at the back of Robin's. In R-3 zoning, the allowable height is 40' or 3 stories.

Virginia Weeks: Right, but in an LPD that can be changed.

Bob Kerr: And Mayor and Council took the verbatim description here.

Virginia Weeks: I'm not sure Mayor and Council understood the difference. That could be 4 story apartment houses or 3 story apartment houses.

Bob Kerr: It says maximum height 40'; stories 3.

Virginia Weeks: It says maximum stories 3.

Bob Kerr: Yes.

Virginia Weeks: And that's not what it says on here.

Bob Kerr: If I may, on the recommended conditions of approval, Item no. 17 lists a maximum building height of 40', maximum stories 3.

Virginia Weeks: All I'm asking is that 40' or 3 stories; is that the same thing; because to me it's not.

Bob Kerr: It can be 40' or it can be 3 stories.

Virginia Weeks: It can be 4 stories.

Bob Kerr: No it can be 3 stories. That's the maximum number of stories.

Virginia Weeks: That's not what that says.

Bob Kerr: Again, I'm not the lawyer. The engineer in me says it can be 40' high or it can be 3 stories high.

Gene Steele: But the maximum height is 40'.

Virginia Weeks: But that can be 4 stories.

Bob Kerr: Right.

Ted Kanakos: You can have 3 13' stories or 3 30' stories or you lose the other 10 feet.

Bob Kerr: No, you can't have 3 floors with 20' ceilings.

Virginia Weeks: No, but 10' is what a story is, right?

Bob Kerr: Unless you use a definition in here, there's nothing. What this is saying is you could have 2 stories, but the building can not be over 40' tall. Or you can have 3 stories, but it can't be over 40' tall. You can't have 4 stories; even if the building is 10' tall.

Virginia Weeks: Is this copy of the conditions filed with this in the Master Plan?

Bob Kerr: It's verbatim here.

Robin Davis: It's right on there, word for word.

Al Perkins: What we're approving is really on the drawing.

Bob Kerr: Yes. That was a requirement I asked you to place on the preliminary because in the past the drawings have gone in one direction and the conditions have gone in another direction and we can't...

Virginia Weeks: I just wanted to make sure that it was maximized [garbled]. That's the only thing I have. Thank you.

Ed Kost: The ordinance says that the developer must provide "recreational facilities"; but it doesn't identify how much of what type of any recreational facilities we build. Is there any reason we can't put something that says for every dwelling you need, the developer shall spend a minimum of \$100 for recreational equipment; or \$500; some number; an actual dollar amount?

Bob Kerr: I don't believe there's anything in your ordinance that allows you to require it. If you can get an agreement with the developer to do so and its

part of the Motion; I would say yes. But to make it a requirement; I don't believe you have the authority to do that per your ordinance.

Ted Kanakos: He has offered recreational facilities.

Ed Kost: He is required to put them in.

Ted Kanakos: He is required to put them in.

Virginia Weeks: There is a top ____ on the map.

Douglas Marshall: He is required to provide recreational facilities in accordance with your ordinance. Your ordinance doesn't require a whole lot other than there be an area available for recreation.

Ted Kanakos: Just an open space, in other words, he can just leave it as an open space.

Douglas Marshall: Yes.

Ted Kanakos: Okay.

Virginia Weeks: There is a top ____ here; it has an area for about three pieces of equipment, which with all those apartments will last approximately 2 days.

Ed Kost: Perhaps we should request that you ask it to be modified.

Virginia Weeks: The whole ordinance is going to be modified.

Ed Kost: Let's prove that part in.

Virginia Weeks: Right. Does anybody else have anything else? No, then may I have a motion, please.

Doug Marshall: In item no. 8, Areas: it has a change parcel to be retained by Town of Milton, 20 acres. Where does the "Dedicated to DelDOT" part come in?

Virginia Weeks: I have no idea.

Bob Kerr: That came up during my final review of the drawings and there was a change, if you look at Page 2 of the drawings; if you look at the top of the drawing, the entrance on the draft that I got to review was in a different location; and we're trying to streamline or fast track this thing in a little bit; so the original entrance was here and that's where it has been relocated back to its original place. One of the comments I had during the original review of the preliminary, they essentially had this coming in here and down to this street so that you had a straight shot through from Cave Neck to Sam Lucas. So that was one of the comments we didn't want. We didn't want people coming down the road, shooting through instead of going up to the intersection; this was not meant to be a major thoroughfare. In the draft they did, they moved it on to additional property and they have a comment where Sussex County has to approve that and I went oh my gosh, we got to get Sussex County approval; who is going to maintain a road that is outside the town limits; because this is the town limit; this little road is outside. So Thursday of last week we had a conference call with the developer's engineer and they have completely revised the drawing. In doing that, they did not have time to recalculate the DelDOT portion of the dedication, because they are not sure what DelDOT will now require. DelDOT typically takes anywhere from 10 to 15 feet of additional land across your entrances; so here they are taking 15' all the way down Sam Lucas Road; they're not sure what they'll have to take out there; so they're waiting to hold that; they put it for the time being in with the land to

be retained as part of the open space or to be retained by the developer for the condo area. That will be changed and corrected on the final plan, but it doesn't change the total acreage; it doesn't change the density; it just changes what goes to DelDOT.

Virginia Weeks: Will that be coming back to us?

Bob Kerr: That will be on the drawings when they come in for their preliminary site plan approval; they'll have that worked out; but essentially this came up last Thursday and getting an answer from DelDOT...

Virginia Weeks: So what we have in front of us is not what we're approving tonight.

Bob Kerr: They revised the drawing; they have put it back in the original place so that everything is within the Town; but that draft had the road going back out into Sussex County before it got to Cave Neck Road.

Virginia Weeks: Thank you. Are there any other questions, sir? Would somebody like to make a motion?

Ted Kanakos: I make a motion that we approve the Key Ventures, LLC Final Master Plan for the property located near the corner of Cave Neck Road and Sam Lucas Road.

Al Perkins: Second.

Virginia Weeks: Voice Vote.

Ted Kanakos	Yes
Al Perkins	Yes
Ed Kost	Yes
Gene Steele	Yes
Dick Grieg	No
Virginia Weeks	Yes

Virginia Weeks: Thank you.

6. Adjournment

Virginia Weeks: May I have a motion to adjourn?

Ted Kanakos: I make a motion to adjourn.

Gene Steele: Second.

Virginia Weeks: All in favor say aye. Meeting adjourned at 7:50 p.m.